



OCT 06 2000

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
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October 3, 2000

Honorable Senator Pam Roach  
202 Irv Newhouse Building  
P.O. Box 40482  
Olympia, Washington 98504-0482

Honorable Senator Marilyn Rasmussen  
409 Legislative Building  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Senator Roach and Senator Rasmussen:

Thank you for your letter of September 18, 2000 regarding our September 13, 2000 meeting in Enumclaw with dairy producers and other interested parties. A number of key commitments were made orally at this meeting by the Department of Ecology (Ecology) regarding dairy inspections and enforcement. The purpose of this letter is to reiterate those commitments in a written statement.

1. Deadlines originally established in sixteen Notices of Correction issued to dairy farms have been extended from October 1, 2000 to October 1, 2001. We believe this is consistent with the intent of the 1998 Dairy Nutrient Management Act (Chapter 90.64 RCW). Specifically, water quality issues identified through the inspection program need to be addressed prior to December 31, 2003 when all dairy farms need to have fully implemented nutrient management plans.
2. Ecology will not assess penalties if manure is found in seasonal ponds that form on pasturelands. Enforcement action may be taken, including the issuance of civil penalties, if manure is discharged from these ponds to surface or ground waters of the state.
3. We do not issue penalties based upon a "potential to pollute" but rather only for an actual discharge to surface waters or ground water. Violations of permit conditions or administrative orders may lead to issuance of a civil penalty.



Senator Pam Roach  
Senator Marilyn Rasmussen  
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The information above reflects our current policy developed in collaboration with the Dairy Nutrient Management Task Force. We will continue to work with this Task Force to review and manage implementation of the 1998 Dairy Nutrient Management Act.

Finally, let me take this opportunity to thank both of you for your leadership managing the September 13 meeting allowing all of us to work through the issues in a productive manner.

If you have any questions or need additional information please contact Phil KauzLoric at (360) 407-6413 or me at (360) 407-6405.

Sincerely,



Megan White, P.E., Manager  
Water Quality Program

cc: Dairy Nutrient Management Task Force

M. White  
10/13/2000  
October 13, 2000

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